IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.120 OF 2006
IN
CRIMINAL APPEAL NO.108 OF 2006
WITH
CRIMINAL APPLICATION NO.452 OF 2006
IN
CRIMINAL APPEAL NO.431 OF 2006

1.Shankar Mahadeo Jadhav
2.Aatish Ganpati Shingan ...Applicants.
V/s.
The State of Maharashtra ...Respondent.

Shri A.Q.Ansari, adv. for the Applicants.
Smt.M.M.Deshmukh, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 23rd January, 2007.

P.C.:

1. Heard Mr.Ansari, the learned counsel for the applicants and Mrs.Deshmukh, the learned APP for the State.

2. Both the applicants were convicted for the offences punishable under Section 393 read with Section 398 of the I.P.C. and were sentenced to undergo R.I. for 7 years. They are in custody since 23rd October, 2003. It appears that 4 persons were proceeding from Shalgaon towards Karad on 2 motorcycles at about 2.00 a.m. On the way, they found two persons on the western side and one person on the eastern side. They were

holding some ropes or wires which brushed against the forehead of the persons travelling on the motorcycles. Therefore, they immediately stopped motorcycles and felt that it was the attempt for the road robbery. One of them namely, Tanaji immediately went to police out post and informed the same. Thereafter, he again went to the spot alongwith the police party. At that time, present two applicants were apprehended while one person ran away. During the personal search of both of these applicants, Gupti was found with each of these accused/applicants. Taking into consideration time of the incident and the manner in which they attempted to commit robbery and the fact that they were possessing gupti and some ropes at the relevant time, prima-facie, it appears that it is the case of an attempt to commit road robbery. Applicants are already convicted for the said offences. Taking into consideration nature of the offences, it will not be in the interest of justice to grant bail to them.

3. In view of the circumstances of the case, bail applications stand rejected.

(J.H.Bhatia,J.)